

**BEFORE THE MINNESOTA
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of the
Certificate of
Barton Naumann, EMT-P
Certificate No. 233707

**STIPULATION AND ORDER
ACCEPTING VOLUNTARY
SURRENDER OF CERTIFICATE**

IT IS HEREBY STIPULATED AND AGREED, by and between Barton Naumann, EMT-P (“Respondent”), and the Complaint Review Committee (“Committee”) of the Minnesota Emergency Medical Services Regulatory Board (“Board”) as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a certificate in the State of Minnesota.
2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Although aware of his right to representation by counsel, Respondent has knowingly and expressly waived that right. The Committee is represented by Rosellen Condon, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575.

FACTS

3. For the purpose of this Stipulation, the Board may consider the following facts as true:
 - a. On or about December 21, 2001, Respondent was let go for narcotics theft and tampering by the ambulance service that employed him. On December 24, 2001, the ambulance service filed a mandatory report with the Board. It stated that Respondent’s

employment had been terminated due to his tampering with and stealing morphine sulfate from the service.

b. On January 2, 2002, Respondent spoke with a Board representative about the report. Respondent agreed to give up his current EMT-Paramedic certification.

c. On January 14, 2002, the Board representative received a signed voluntary surrender of certification form from Respondent as well as his current certification card. The representative forwarded these materials to the Committee.

The Committee has reviewed Respondent's submissions and agrees with them. The Committee and Respondent agree that this matter may be resolved by this Stipulation and order.

STIPULATION

4. This stipulation is based on the facts stated above in paragraph 3.

5. The Committee views Respondent's actions described above as violating the standards of Minn. Stat. §144E.28, subd. 5(4) and (5), and requiring Board action under Minn. Stat. § 144E.28, subd. 4. Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify disciplinary action under these statutes.

REMEDY

6. Respondent shall not engage in any act which constitutes the practice of Emergency Medicine Technician- Paramedic as defined in Minn. Stat. § 144E.28 and shall not imply by words or conduct that he is authorized to practice.

7. Respondent may not petition for re-certification for 12 months from the effective date of this Order. At that time, Respondent must meet with the Complaint Review Committee and the burden of proof shall be upon him to demonstrate to the Committee's satisfaction by preponderance of the evidence that he is capable of practicing in a fit and competent manner, is

successfully participating in a program of chemical dependency rehabilitation and has been sober and free from mood-altering chemicals during the previous 12 months. At the time he applies for re-certification, Respondent shall submit proof to the Committee that he has attended meetings of a self-help program (e.g., AA/NA) in support of abstinence at least once per week during the previous 12 months.

8. Respondent shall meet all re-certification requirements of Minn. Stat. § 144E.28, subd. 8, which are in effect at the time of his petition.

9. The Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraphs 7 and 8 above, take any of the following actions:

- a. Reissue a certificate to Respondent;
- b. Reissue a certificate to Respondent with limitations upon the scope of Respondent's practice and with conditions for Respondent's practice; or
- c. Deny Respondent a certificate upon her failure to meet his burden of proof.

10. This Stipulation, related investigative reports, and other related documents shall constitute the entire record of the proceeding upon which this Order is based. Any reports or other material related to this matter which are received after the date the Board approves the Stipulation and Order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

11. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that

should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

12. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States Constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

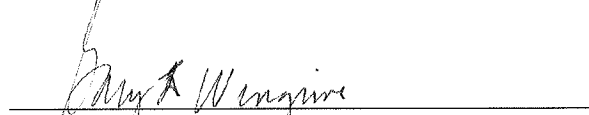
13. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

14. Under the Minnesota Government Data Practices Act, this Stipulation and Order is classified as public data. Minn. Stat. § 13.41, subd. 4. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, if they are not already public documents, become public merely because they are referenced herein. Pursuant to federal rule (45 C.F.R. part 60), the Board must report the disciplinary action contained in this Stipulation and order to the National Practitioner Data Bank.

Dated: 3/12, 2002


BARTON NAUMANN, EMT-P
Respondent

Dated: 3-15-02, 2002


For the Committee

ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this 21st day of March, 2002.

MINNESOTA EMERGENCY
MEDICAL SERVICES
REGULATORY BOARD

By: Mary Hedges
EXECUTIVE DIRECTOR

AG: 552142,v. 01